

FCC MAIL SECTION

JAN 13 2 23 PM 1998 Federal Communications Commission

DA 97-2751

DISPATCHED

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.  
(Chewelah, Washington)

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MM Docket No. 97-65  
RM-9002

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: December 24, 1997;

Released: January 9, 1998

By the Chief, Allocations Branch:

1. At the request of LifeTalk Broadcasting Association ("petitioner"), the Commission has before it the Notice of Proposed Rule Making, 12 FCC Rcd 1936 (1997), proposing the allotment of Channel 283C3 at Chewelah, Washington, and its reservation for noncommercial educational use. Petitioner filed comments and a "counterproposal" requesting the allotment of alternate Channel 274C3 in lieu of Channel 283C3 at Chewelah. Upper Columbia Media Association ("UCMA"), licensee of Station KEEH(FM), Channel 284A, Spokane, Washington, filed reply comments in support of the use of the alternate channel. Petitioner filed reply comments in support of the proposal reaffirming its intention to apply for whichever channel is allotted. For the reasons discussed below, we are allotting Channel \*274C3 to Chewelah, Washington, reserved for noncommercial educational use.

2. As stated in the Notice, Chewelah is an incorporated community located in Stevens County, Washington, and has a 1990 U.S. Census population of 1,945 persons. Therefore, petitioner states that Chewelah meets the Commission's criteria for a "community" for allotment purposes. Petitioner asserts that the allotment is in the public interest since it would provide Chewelah with its first local aural transmission service. Petitioner further asserts that there are no channels available in the reserved band because of the proximity of Station KHQ-TV, Channel 6, Spokane, Washington. Under the circumstances, petitioner states that its proposal meets the criteria for reservation of a channel in the commercial band for noncommercial use, citing Butte, Montana, 9 FCC Rcd 2180 (1994); Buhl, Montana, 9 FCC Rcd 2606 (1994); and Romney, West Virginia, 11 FCC Rcd 12800 (1996).

3. Generally, noncommercial educational stations operate within the reserved portion of the FM band (Channels 201-220). However, exceptions have been made where channels in the

noncommercial band are not available because of foreign allotments (Canadian or Mexican), or potential interference to operation on VHF Television Channel 6. Here, potential interference with Station KHQ-TV, Channel 6, Spokane, Washington, appears to justify the reservation of a channel in the nonreserved band (Channels 221-300) for noncommercial educational use.

4. We believe the public interest would be served by allotting \*274C3 at Chewelah, Washington, and reserving the channel for noncommercial educational use, since it would provide the community with its first local aural transmission service.<sup>1</sup> An engineering analysis has determined that Channel \*274C3 can be allotted to Chewelah in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.8 kilometers (13.6 miles) southwest to avoid a short-spacing to the vacant allotment site for Channel 275B, Creston, British Columbia.<sup>2</sup> Since Chewelah is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained.

5. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective February 23, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Chewelah, Washington	*274C3

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

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<sup>1</sup>UCMA and petitioner both note that the original Channel \*283C3 proposed in the Notice requires a site restriction 4.9 kilometers (3 miles) north of Chewelah in order to avoid a short-spacing to the licensed site of Station KEEH(FM), Channel 284A, Spokane, Washington. In order to allot a Class C3 channel to Chewelah without a site restriction and maximize any service Station KEEH(FM) may render beyond its 1 mV/m contour, we believe that the public interest would be best served by allotting alternate channel \*274C3.

<sup>2</sup>The coordinates for Channel \*274C3 at Chewelah are North Latitude 48-08-45 and West Longitude 117-56-09.

7. For further information concerning this proceeding, contact Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**FEDERAL COMMUNICATIONS COMMISSION**

**John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau**